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OFFICE OF PETITIONS

In re Application of	:	
Harald Michi et al.	:	
Application No. 10/507,276	:	DECISION ON RENEWED PETITION
Filed: March 10, 2005	:	UNDER
Attorney Docket Number:	:	37 C.F.R. § 1.181(A)
10191/3951	:	
Title: CRUISE CONTROL SYSTEM	:	
HAVING A STOP & GO FUNCTION	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.181(a), filed August 24, 2007, to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed August 14, 2006, which set a shortened statutory period for reply of three months. An after-final amendment was received on January 22, 2007, along with a three-month extension of time, and an advisory action was mailed on February 28, 2007. No further extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available, and no further responses were received. Accordingly, the above-identified application became abandoned on February 15, 2007. A notice of abandonment was mailed on March 22, 2007.

An original petition under 37 C.F.R. § 1.181 was filed on May 1, 2007, where Petitioner asserted that an amendment was submitted on January 16, 2007, together with an extension of time. The original petition was dismissed via the mailing of a decision on June 25, 2007, as the amendment was not a proper response, since it failed to place the application in condition for allowance.

With this renewed petition, Petitioner has asserted that a notice of appeal was filed on February 12, 2007, along with a three-month extension of time. The electronic file has been reviewed, and a copy of this submission has not been located in the same.

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.181(a)

Petitioner has provided a copy of this submission, and it is noted that it contains a certificate of mailing dated February 12, 2007, along with a request for a three-month extension of time.

Petitioner has further included a copy of a postcard receipt pursuant to MPEP § 503, which evinces the receipt of a "notice of appeal" and an "extension request" in the Office of Initial Patent Examination on February 14, 2007.

Moreover, Office records have been reviewed, and it is clear that both the fees that are associated with the filing of a notice of appeal and a three-month extension of time were charged to Petitioner's Deposit Account on February 15, 2007 and February 16, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on renewed petition, it is concluded that Petitioner has met his burden of establishing that a proper response was timely submitted, and was subsequently misplaced in the Office.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the notice of appeal that was submitted with the present petition can be processed.

The Notice of Appeal filed on August 24, 2007, has been entered and made of record. Accordingly, **the two-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the mailing date of this decision.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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